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## The Corporation of the Township of Billings

### Council Meeting Agenda

November 7<sup>th</sup>, 2023 7:00 p.m.

ZOOM

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#### Council

Bryan Barker, Mayor

David Hillyard, Deputy Mayor

Jim Cahill, Councillor

Vince Grogan, Councillor

Michael Hunt, Councillor

#### Staff

Emily Dance, CAO/Clerk

Tiana Mills, Deputy Clerk

Todd Gordon, Municipal Project Manager

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#### 1. Call to Order

Mayor Bryan Barker to call the meeting to order.

#### 2. Approval of Agenda

2.1. Confirm approval of the agenda.

#### 3. Disclosure of Pecuniary Interest

#### 4. Adoption of Minutes

Motion to adopt the minutes of the following meetings of Council:

4.1. Regular Council Meeting – October 17<sup>th</sup>, 2023

#### 5. Staff Reports

5.1. TR-2023-11-15 Old Mill Road Waterline Replacement Cost Recovery Options (*amended*)

#### 6. Delegation

6.1. Steve Watt, Municipal Solicitor – Cost Recovery under the *Municipal Act, 2001*

#### 7. Confirmatory By-Law

7.1. By-Law No. 2023-108 Being the November 7<sup>th</sup>, 2023 Confirmatory By-Law

#### 8. Adjournment

8.1. Motion to Adjourn

#### Document Accessibility

The Township of Billings is committed to providing information in the format that meets your needs. We have made every attempt to make documents for this meeting accessible but there may still be difficulty in recognizing all the information. Please contact us if you require assistance and we will make every attempt to provide this information in an alternative format.



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## The Corporation of the Township of Billings

### Council Meeting Minutes

October 17<sup>th</sup>, 2023 7:00 p.m.

Park Centre – 39 Henry Drive, Kagawong

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#### Council

Bryan Barker, Mayor

David Hillyard, Deputy Mayor

Jim Cahill, Councillor

Vince Grogan, Councillor

Michael Hunt, Councillor

#### Staff

Emily Dance, CAO/Clerk

Todd Gordon, Municipal Project Manager

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#### 1. Call to Order

Mayor Barker called the Council meeting of the Township of Billings to order at 7:00 p.m.

#### 2. Approval of Agenda

2.1. Confirm approval of the agenda.

2023-518

Moved by Hunt Seconded by Hillyard

THAT the Township of Billings Council hereby approves the Agenda as presented.

Carried.

#### 3. Disclosure of Pecuniary Interest

None noted.

#### 4. Adoption of Minutes

Motion to adopt the minutes of the following meetings of Council:

4.1. Regular Council Meeting – October 3<sup>rd</sup>, 2023

2023-519

Moved by Grogan Seconded by Cahill

THAT the October 3<sup>rd</sup>, 2023 Regular Council Meeting Minutes adopted as presented.

Carried.

#### 5. Delegation

None.



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## 6. Committee Reports

6.1. Members of Council are provided with an opportunity to report on Committee and Board meetings.

No updates provided.

## 7. Staff Reports

7.1. PW-2023-10-11 Monument Road Speed Limit Petition  
2023-520

Moved by Grogan Seconded by Hunt

THAT the Township of Billings Council hereby approves Report PW-2023-10-11 AND receives the petition of the property owners on Monument Road AND FURTHER consult with Central Manitoulin and the OPP on the concerns.

Carried.

7.2. PW-2023-10-12 2023/2024 Winter Sand  
2023-521

Moved by Hunt Seconded by Grogan

THAT the Township of Billings Council hereby approves Report PW-2023-10-12 AND approves the purchase of winter sand for the 2023/2024 winter season from H&R Noble Construction in the amount of \$23/cubic metre.

Carried.

7.3. TR-2023-10-13 OPP Municipal Policing 2024 Annual Billings Statement  
2023-522

Moved by Cahill Seconded by Hillyard

THAT the Township of Billings Council hereby approves Report TR-2023-10-13 and authorizes the OPP 2024 annual billing in the amount of \$208,101 to be incorporated into the Township of Billings 2024 budget.

Carried.

7.4. TR-2023-10-14 2023 Budget Update  
2023-523

Moved by Grogan Seconded by Cahill

THAT the Township of Billings Council hereby receives for information Report TR-2023-10-14.

Carried.



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7.5. MPM-2023-10-24 Ontario Trillium Foundation Grant Application 2023- Park Centre Renovations (2)

2023-524

Moved by Grogan Seconded by Hunt

THAT the Township of Billings Council hereby approves Report MPM-2023-10-24 AND directs staff to bring forward the costs for renovations to the Park Centre to the 2024 Township of Billings budget deliberations.

Carried.

7.6. MPM-2023-10-25 Old Mill Road Bridge Monitoring Agreement

2023-525

Moved by Hillyard Seconded by Hunt

1. THAT the Township of Billings Council hereby approves Report MPM-2023-10-25 AND accepts the bridge monitoring proposal from EXP in the amount of \$9,155 plus HST, AND FURTHER authorizes the appropriate by-law coming forward on tonight's agenda.
2. THAT the Township of Billings Council hereby approves the re-allocation of \$9,155 from asset management to the Old Mill Road Bridge project in the 2023 Township of Billings Project budget.
3. THAT the Township of Billings Council hereby approves an exemption to the purchasing and procurement policy requiring three verbal quotes for a purchase between \$5,000 and \$10,000.

Carried.

7.7. CAO-2023-10-25 Strategic Plan Update

2023-526

Moved by Grogan Seconded by Cahill

THAT the Township of Billings Council hereby receives for information Report CAO-2023-10-25.

Carried.

**8. Correspondence Requiring Direction**

8.1. Christmas in Kagawong Request

2023-527

Moved by Hunt Seconded by Grogan

THAT the Township of Billings Council hereby approves the request for a reduced Park Centre Rental fee of \$200 for the Christmas in Kagawong Event on November 19<sup>th</sup> and 18<sup>th</sup>, 2023.

Carried.



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8.2. ROMA 2024 Annual Conference

Conference Date: January 21 – 23, 2024

Early bird registration begins October 27<sup>th</sup>, 2023. Members of Council will advise staff if they are interested in attending the conference by the early bird registration date.

**9. Information**

9.1. 2022 Canada Community Building Fund Annual Report

9.2. Administrative Penalties Regulation under the Building Broadband Faster Act, 2021

9.3. Resolution Regarding MPP Michael Mantha

9.4. Bill 21 Till Death Due Us Part Resolution

9.5. Lake Manitoulin Area Association

9.6. Apple Tree Donation

2023-528

Moved by Grogan Seconded by Hunt

THAT the Township of Billings Council hereby receives for information all items listed in Section 9 AND FURTHER supports item number 9.4 and directs distribute accordingly.

Carried.

**10. Accounts for Payment**

10.1. Accounts for Payment to October 13, 2023

2023-529

Moved by Hunt Seconded by Cahill

THAT the Township of Billings Council hereby approves, ratifies, and confirms the October 13, 2023 Accounts for Payment as presented.

Carried.

**11. By-Laws and Agreements**

11.1. 2023-102 Pinchin Environmental 2023 Billings Landfill Topographic Survey Agreement By-Law

2023-530

Moved by Hunt Seconded by Grogan

THAT By-Law No. 2023-102 being the Pinchin Environmental 2023 Billings Landfill Topographic Survey Agreement By-Law be read a first, second and third time and finally passed this 17<sup>th</sup> day of October, 2023.

Carried.

11.2. 2023-103 Old Mill Accessible Entrance Site Visit/Design Brief Agreement By-Law  
2023-531



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Moved by Hunt Seconded by Hillyard

THAT By-Law No. 2023-103 being the Allan Avis Architects Inc. Old Mill Heritage Centre Accessible Entrance Agreement By-Law be read a first, second and third time and finally passed this 17<sup>th</sup> day of October, 2023.

Carried.

11.3. 2023-104 Council Remuneration & Expense Policy By-law  
2023-532

Moved by Grogan Seconded by Hunt

THAT By-Law No. 2023-104 being the Council Remuneration and Expenses Policy By-Law be read a first, second and third time and finally passed this 17<sup>th</sup> day of October, 2023.

Carried.

11.4. 2023-105 Employee Annual Wage Increase Policy By-Law  
2023-533

Moved by Hunt Seconded by Grogan

THAT By-Law No. 2023-105 being the Employee Annual Wage Increase/Market Study By-Law be read a first, second and third time and finally passed this 17<sup>th</sup> day of October, 2023.

Carried.

11.5. 2023-106 EXP Crib Inspection and Monitoring Agreement, Old Mill Road Bridge  
By-Law  
2023-534

Moved by Grogan Seconded by Cahill

THAT By-Law No. 2023-106 being the EXP Crib Inspection and Monitoring Agreement, Old Mill Road Bridge By-Law be read a first, second and third time and finally passed this 17<sup>th</sup> day of October, 2023.

Carried.

## 12. Notice of Motions

None.

## 13. Closed Session

None.

## 14. Confirmatory By-Law

14.1. By-Law No. 2023-107 Being the October 17<sup>th</sup>, 2023 Confirmatory By-Law



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2023-535

Moved by Grogan Seconded by Hunt

THAT By-Law No. 2023-107 being the October 17<sup>th</sup>, 2023 Confirmatory By-Law be read a first, second and third time AND finally passed this 17<sup>th</sup> day of October, 2023.

Carried.

**15. Adjournment**

15.1. Motion to Adjourn

2023-536

Moved by Grogan Seconded by Hunt

THAT the Township of Billings Council hereby adjourns at 8:12 p.m.

Carried.

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Mayor Bryan Barker

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CAO/Clerk Emily Dance





## COUNCIL REPORT

**Title:** Old Mill Road Waterline Cost Recovery

**Department:** Treasury

**Date:** November 7, 2023

**Report Number:** TR-2023-11-15 (amended)

**File:** Old Mill Road Waterline Cost Recovery

**Attachment:** Optional Excluded Expenses

### Recommendation:

THAT the Township of Billings Council hereby approves Report 2023-11-15 AND directs staff under Section 391 of the Municipal Act to bring forward a Capital Cost Recovery Report and associated Draft By-Law based on Option 1 Cost Recovery AND FURTHER outline financing options including length of term and interest rate.

### Background:

In 2022, the Township of Billings approved the removal and replacement of the Old Mill Watermain within the right-of-way of Old Mill Road for approximately 850 meters. The watermain is part of the Kagawong distribution system and the project benefits approximately 20 properties.

The project was approved under the ICIP Green Stream funding which covered 73.33% of the project with the remaining 26.67% portion being municipal and eligible for capital cost recovery.

Old Mill Road Waterline Project	Approved Costs (excluding HST) (as per funding agreement)	Actual Costs (excluding HST)
Total Eligible Expenditures	\$1,750,227.93	\$1,684,855.76
Ontario's Maximum Contribution (33.33%)	\$583,350.97	\$561,562.42
Canada's Maximum Contribution (40.00%)	\$700,091.17	\$673,942.30
Cost Recovery (26.67%)	\$466,785.79	\$449,351.04

### Discussion:

All properties within the Township do not have municipal water supply. The properties that have municipal water are responsible for the costs of operating the system. The associated expenses are not spread over the entire tax base.



There are options available for municipalities to recover capital costs associated with capital water upgrades for benefiting property owners. This can be done on a capital cost recovery method or by a Major Facilities Charge should the municipality have a policy in place.

The Township of Billings does not have a Major Facilities Charge Policy and has traditionally used a Capital Cost Recovery method for funding the Kagawong Water System capital improvements.

There are three main options available for municipalities for Cost Recovery:

1. The passage of a Capital Cost Recovery By-Law under the fees and charges provisions of Section 391 of the Municipal Act;
2. The passage of a Special Services By-Law under Section 326 of the Municipal Act or;
3. Local Improvement Charges in accordance with Ontario Regulation 586/06

The capital cost recovery method has been used by The Township of Billings in the past to finance the Kagawong water system, with examples below.

By-Law No	Project	Cost Recovery Method	Amount
By-Law No. 85-13 Pursuant to the Public Utilities Act, 1980	Construction of the low lift pumping station, filtration, high lift pumping station, replacement of some existing watermains and services connections.	Total for Cost recovery \$54,460. Per user unit costs over three years 140 properties;	1985 \$90.00, 1986 - \$224.00, 1987 - \$75.00
By-Law No. 95-09 Pursuant to the Municipal Act. Chap M 45 s 221 R.S.O. 1990	Upper Kagawong Water Extension	Total Costs \$811,000 Grants \$729,900 Interim Financing \$7,750 Total for Cost Recovery \$88,850.00	Per user unit costs over three years 40 properties; 1995 \$750 1996 - \$750 1997 - \$725
By-Law No. 2009-11 Pursuant to Municipal Act. Chap M 45 s 221 R.S.O. 1990	Construct New Water Filtration System and Water Tower	Total Costs \$1,567,485.93 Per property adjacent to the water system based on frontage	\$4,770 payable over 10 years

For the Old Mill Road Watermain project the capital costs are for the removal and replacement of the waterline. A benefiting property is a property adjacent to the Old Mill Watermain replacement project who currently derives or may derive a benefit from its construction.



There are 20 benefiting properties on the Old Mill Watermain project. Attached is a copy of a map showing the benefiting properties.

In consultation with the Municipal Solicitor, staff is recommending the passage of a Capital Cost Recovery By-Law under the fees and charges provisions of Section 391 of the Municipal Act to recover the municipal portion of the waterline project. Under Section 391 of the Municipal Act, municipalities can pass a by-law to impose a fee for capital costs related to sewage or water services on a class of persons who will receive a benefit. The by-law does not have to be based upon frontages or assessed value, the municipality can impose a flat fee and equal fee on benefiting properties.

Option 1- The passage of a Capital Cost Recovery By-Law

Total Cost Recovery	\$449,351.04
Per property (20)	\$22,467.55

\*\*Option 1a

Council could opt to exclude expenses considered a benefit to more than just the benefiting property owners including: concrete curb and gutter, guardrail, asphalt, line painting, bridge repair, road signage, culverts, slope stability and geotechnical study.

Total Cost Recovery	\$449,351.04
Less Expenses to Exclude	\$241,353.67
Total Cost Recovery	\$207,997.37
Per property (20)	\$10,399.87

Option 2 – Special Services By-Law under Section 326 of the Municipal Act

Option 3 – Local Improvement Charges – Ontario Regulation 586/06

These methods are based on assessment and are not considered viable options in this particular capital cost project.

Should Council move forward with either Cost Recovery By-Law option, staff recommend that payment options be considered to spread the costs over a length of time to not impose undue financial hardships on the property owners. For example, 20 years, at a low interest rate 4% and that the payment be paid in the same manner as taxes.

Mr. Steve Watt, Municipal Solicitor for the Township of Billings will be in attendance at tonight’s meeting to explain the cost recovery method and answer any associated questions.



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## **Financial Impacts:**

### Option 1

Township properties (6) = \$134,805.30

Total \$134,805.30

### Option 1a

Township properties (6) \$62,399.22

Excluded expenses \$241,353.67

Total = \$303,752.89

The expense for the Township is significant in both cost recovery methods. For Option 1a, consideration must be given to both the past cost recovery method and setting precedent for any future water capital projects.

*\*\*Amended Note: further costing was received after the agenda was published increasing the optional expenses to exclude, in effect, reducing the total cost recovery per property for option 1a.*

## **Alignment to Strategic Plan:**

7. Continue to ensure the most efficient and effective operation of the municipal water treatment and distribution system for the Hamlet of Kagawong.

## **Alignment to the CEEP:**

There is no alignment to the CEEP

## **Respectfully Submitted By:**

Emily Dance, CAO/Clerk

**ICIP Green Funding Stream:  
Old Mill Waterline Replacement Project**

Case No. 2021-09-1-1628978659

<b>Funding Details</b>	
Total Eligible Expenditures	\$1,750,227.93
Ontario's Max Contribution	\$583,350.97
Canada's Max Contribution	\$700,091.97
Percentage of Provincial Support	33.33%
Percentage of Federal Support	40.00%

<b>Invoices</b>	
<b>Vendor</b>	<b>Amount (HST EXCLUDED)</b>
Beacon Images - Project Signage	\$484.70
Denis Gratton Construction - Construction	\$906,838.13
Denis Gratton Construction - Construction	\$342,079.37
Denis Gratton Construction - Construction	\$97,508.12
EXP - Project Management/Engineering	\$6,243.83
EXP - Project Management/Engineering	\$1,992.12
EXP - Project Management/Engineering	\$2,909.33
EXP - Project Management/Engineering	\$8,276.87
EXP - Project Management/Engineering	\$28,663.05
EXP - Project Management/Engineering	\$4,647.14
EXP - Project Management/Engineering	\$11,514.95
EXP - Project Management/Engineering	\$30,894.54
EXP - Project Management/Engineering	\$12,353.77
EXP - Project Management/Engineering	\$8,447.89
EXP - Project Management/Engineering	\$6,640.87
Bell Canada - Pole Relocation	\$3,153.80
Denis Gratton Construction - Construction	\$15,079.65
EXP - Project Management/Engineering	\$11,467.82
Lien Holdback	\$154,716.51
Maintenance Holdback	\$30,943.30
<b>TOTAL</b>	<b>\$1,684,855.76</b>

<b>OPTIONAL Costs to Exclude for Capital Charges (HST EXCLUDED)</b>	
<b>Item</b>	<b>Cost</b>
Concrete Curb & Gutter	\$15,675.00
Cable Guardrail, including additional	\$40,332.16
Asphalt - net increase over hard surface	\$106,629.68
Mobilization & Traffic Control for Asphalt	\$4,175.00
Line Painting, Bridge Repair, Road Signs	\$15,079.65
Bell Canada - Pole Work	\$3,153.80
Culverts	\$41,388.38
Engineering: Slope stability Geotechnical	\$14,920.00
<b>TOTAL</b>	<b>\$241,353.67</b>



BY-LAW NO 2023-108

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BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE  
COUNCIL OF THE TOWNSHIP OF BILLINGS

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**WHEREAS** the Municipal Act S.O. 2001, c 25, Section 5(1), as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

**AND WHEREAS** the Municipal Act S.O. 2001, c 25, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under Section 9; shall be exercised by By-Law;

**AND WHEREAS** The Council for The Corporation of the Township of Billings deems it expedient that the proceedings of meetings of the Council be confirmed and adopted by By-Law;

**NOW THEREFORE** the Council of The Corporation of the Township of Billings enacts as follows:

1. THAT the actions of the Council of The Corporation of The Township of Billings at its Council Meeting held on November 7, 2023 in respect to each report, motion, resolution, or other actions recorded and taken by Council at its meetings, except where the prior approval of the Ontario Lands Tribunal is required is hereby adopted, ratified, and confirmed as if all such proceedings were expressly embodied in this By-Law.
2. THAT the Mayor and CAO/Clerk, or such other official as deem appropriate are hereby authorized and directed to do all things necessary to give effect to the said action, of Council of the Township of Billings referred to in the proceeding section.
3. THAT the Mayor and CAO/Clerk are hereby authorized and directed to execute all documents necessary on behalf of the Council and to affix the corporate seal of The Corporation of The Township of Billings to all such documents.
4. THIS By-Law shall come into full force and effect upon final passage.
5. THIS By-Law may be cited as the "November 7, 2023 Confirmatory By-Law".

**READ a FIRST and SECOND TIME** this 7<sup>th</sup> day of November, 2023

**READ a THIRD TIME and FINALLY PASSED** this 7<sup>th</sup> day of November, 2023

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Bryan Barker, Mayor

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Emily Dance, CAO/Clerk